

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

**DOCKET NO. 3:08-cv-00253-FDW
(3:04-cr-00120-FDW)**

FREDERICK MAURICE BROWN,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

ORDER

THIS MATTER comes now before the Court upon Petitioner's Motion to Vacate, Set Aside, or Correct Sentence (Doc. No. 1). The Government has responded to Petitioner's Motion, directing to the Court's attention the fact that Petitioner's Motion is not "signed under penalty of perjury by the movant or by a person authorized to sign it for the movant." Rule 2(b)(5), Rules Governing Section 2255 Proceedings. Petitioner is therefore ordered to provide the Court with a sworn statement of any facts supporting his claim for ineffective assistance based on counsel's failure to file notice of appeal pursuant to Petitioner's request. This sworn statement shall be due within thirty (30) days of this Order, on or before **October 25, 2008**. FAILURE TO SUBMIT A SWORN STATEMENT MAY RESULT IN DISMISSAL OF PETITIONER'S MOTION.

IT IS SO ORDERED.

Signed: September 24, 2008



Frank D. Whitney
United States District Judge

